United Nations A/C.3/59/SR.34

General Assembly
Fifty-ninth session
Official Records

Distr.: General
18 February 2005
English
Original: French

Third Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Tuesday, 2 November 2004, at 9:30.

Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Kusorgbor, Vice-Chairman ..... (Ghana)
later: Ms. Groux, Vice-Chairman ..... (Switzerland)

Contents

Agenda item 98: Advancement of women (*continued*)

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

04-58440 (E)

The meeting was called to order at 9.45 a.m.

Agenda item 98: Advancement of women (*continued*) (A/C.3/59/L.26)

Draft resolution A/C.3/59/L.26: Future operation of the International Research and Training Institute for the Advancement of Women

1. **Mr. Al-Sulaiti** (Qatar), introducing draft resolution A/C.3/59/L.26 on behalf of its sponsors, pointed out that, despite human- and financial-resource constraints, the International Research and Training Institute for the Advancement of Women had completed the first phase of its revitalization within 10 months of the appointment of its new Director. He was convinced that, with cooperation from all Member States, the Institute would be able to surmount its current difficulties and urged them to make voluntary contributions to its trust fund, particularly during the current critical transition, so as to help the Institute to fulfil its mandate. He read out the revisions made by the Group of 77 and China. At the end of paragraph 2, they had added the words "particularly to address the challenges facing women in developing countries and least developed countries in all regions". In addition, after paragraph 4, a new paragraph should be inserted with the following wording: "*Requests also* that the Institute in the formulation of the future programme and the projects take into account the particular challenges facing women in developing countries and least developed countries in different regions;".

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/59/L.31)

Draft resolution A/C.3/59/L.31: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

2. **Ms. Olivera** (Mexico) introduced draft resolution A/C.3/59/L.31 on behalf of its sponsors, now joined by Azerbaijan, El Salvador, Indonesia, Nicaragua, Paraguay, Peru, Senegal and Uruguay. Stressing that the entry into force in July 2003 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been a historical achievement in the international context of protecting migrant workers' rights, she urged Member States to take measures for its practical implementation. The draft resolution covered several important aspects such as promotion of the ratification of the Convention with a view to making it universal, its effective implementation by all States parties, and the proper functioning of the Committee established under the Convention. Given the time it would take to achieve those objectives and conduct a more analytical appraisal, and with a view to streamlining the work of the Third Committee, her delegation proposed that the matter should be revisited at the sixty-first session of the General Assembly. She hoped that the draft resolution could be adopted without a vote.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/59/255, 319, 320, 323, 327, 328, 341, 360, 366, 377, 385, 401, 402-404, 422, 428, 432, 436 and 525)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/59/256, 269, 311, 316, 340, 352, 367, 370, 378, 389 and 413; A/C.3/59/3 and 4)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/59/36)

3. **Mr. Wenaweser** (Liechtenstein), after reviewing the institutional progress that the United Nations had made with the convening of global conferences on human rights, the creation of the Office of the United Nations High Commissioner for Human Rights, the adoption of the Universal Declaration of Human Rights and the elaboration of core human rights instruments, noted that, in practice, much remained to be done to guarantee the effective enjoyment of those rights around the world. Too often, Governments cared about human rights only in times of peace, and that was incompatible with the principle that human rights, peace and development complemented each other.

4. Political will was always central to human rights work. Some Governments continued to deny citizens their basic rights, in violation of international standards to which they had voluntarily subscribed. Pressure must be put on such Governments to accept the dignity of every individual as a core principle for which the United Nations stood. Equally, States that did not treat

human rights as a priority had to be helped to understand that the promotion and protection of human rights were indispensable to long-term sustainable development.

5. Emphasizing that the High-level Panel on Threats, Challenges and Change should not be expected to provide magical solutions, he urged Member States to recognize the limitations of the Organization and to institute radical reforms that would make it more effective and relevant. Human rights must play a prominent role in the overhaul of the system. Members of the Commission on Human Rights, the leading intergovernmental body of the United Nations, knew how incapable that body was of carrying out its assigned mandate because of the sterile political discussions it conducted yearly at the expense of the cause of human rights it had been designed to promote.

6. The absence of clear criteria for the appraisal of country situations led to highly political discussions which adversely affected the work carried out in the thematic areas of standard-setting, monitoring and technical assistance. His delegation felt that the Commission should confine its work to thematic areas and that a new body should be established to deal exclusively with country-specific issues or that task should be entrusted to an existing body such as the Third Committee.

7. **Mr. Mavroyiannis** (Cyprus), after stating his delegation's support for the views expressed by the representative of the Netherlands on behalf of the European Union, said that his comments would be confined to human rights concerns deriving from the division of Cyprus following the Turkish invasion of 1974 and the subsequent military occupation of 37 per cent of its territory.

8. He noted from the report submitted by the Secretary-General on 19 April 2004 (E/CN.4/2004/27) that the division of the island had an adverse impact on the enjoyment of human rights in respect of freedom of movement, property rights, the situation of Greek Cypriots enclaved in northern Cyprus, and missing persons.

9. Nor, as the Committee on the Rights of the Child had noted in its report of July 2003 (CRC/C/15/Add.205), had the partition allowed for assessment of the human rights situation on the island as a whole.

10. At a time of wide recognition that the protection of human rights and the rule of law were the foundations of democracy and sustainable development, human rights were being violated in many countries undergoing crises or emerging from conflict. The Government of Cyprus welcomed the introduction of a human rights-based approach in the work of all United Nations agencies, funds and programmes, because only by so doing could they create circumstances conducive to lasting peace, stability and development.

11. Cyprus was working hard to improve the degree to which it honoured its human rights obligations internationally and nationally, and regretted that it was not in a position to apply its policies to the whole of its territory and to enforce the Convention in those sectors outside its control.

12. While the easing of restrictions of movement across the country and the reopening of the secondary school in Rizokarpaso were promising signs, much remained to be done for enclaved persons to enjoy all their basic rights.

13. Concerned by the fate of missing persons, the Government of Cyprus welcomed the resumption of the work of the Committee on Missing Persons and hoped that nothing else would impede the resolution of that humanitarian issue.

14. Being sensitive to violations of property rights and freedom of settlement, Cyprus subscribed to the draft principles in the Special Rapporteur's progress report on housing and property restitution for refugees and displaced persons which stressed, among other things, the right to freedom of movement and residence, the right of all displaced persons to return voluntarily to their former homes, lands or places of origin in safety and dignity, as well as their right to use and peacefully enjoy their property. Applying those principles would make it easier to address the crux of the Cyprus problem.

15. Only through the withdrawal of foreign military forces from Cyprus could an end be put to human rights violations and only by guaranteeing the effective enjoyment of human rights by all its citizens could a lasting solution to the problem be found. The vote of Turkish-Cypriots in favour of the Secretary-General's plan did not mean that Turkey had honoured its obligations in the reunification process or with regard to human rights. Only by withdrawing from the island,

respecting international rules of human rights and abiding by the Security Council resolutions on Cyprus and international law could Turkey contribute to reunification and reconciliation. The accession of Cyprus to the European Union and the aspiration of Turkey to become a European Union member opened up new prospects that should be explored to find a solution in line with human rights law and the European Union's *acquis*.

16. **Mr. D'Alotto** (Argentina), after emphasizing that human rights were one of the pillars of Argentine society, said that his country was committed to strengthening the universal system for promoting and protecting such rights, particularly through such mechanisms as monitoring, special rapporteurs and independent experts. As proof of its commitment, Argentina had invited all the mechanisms of the Commission on Human Rights to visit the country and, in 2003, had welcomed the independent expert on the right to development and the Working Group on Arbitrary Detention.

17. With regard to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Argentina had responded to all the communications it had received (see document E/CN.4/2004/7/Add.1) and welcomed the new Special Rapporteur's decision to include replies from Governments in his reports.

18. Despite undergoing a serious political, economic and social crisis, Argentina had continued to respect its commitments concerning the effective enjoyment of human rights, thereby laying the foundations for sustainable development based on equality and social justice. Given the current international context, the United Nations must play an increasingly active role in protecting human rights. His Government was ready to continue cooperating with all international human rights mechanisms.

19. **Mr. Kleib** (Indonesia) recalled that one of the purposes of the United Nations, as laid down in Article 1 of the Charter, was to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all. Moreover, in the Millennium Declaration, the heads of State and Government had rededicated themselves to supporting all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of disputes by peaceful means, and non-interference in the internal affairs of States.

20. In order to promote international cooperation on human rights, account must therefore be taken of the principles of impartiality, objectivity and respect for the views of other Member States. He regretted that the Committee had been diverted from the ideal of international cooperation, as demonstrated by the remarks made by the representative of the Netherlands on behalf of the European Union at the Committee's 24th meeting. His Government called on Committee members to comply with internationally agreed human rights instruments, such as the Vienna Declaration and Programme of Action, adopted in June 1993, rather than make public accusations or publish a long list of human rights violations committed by Member States.

21. Pursuant to article 71 of the Vienna Declaration, in 1998 Indonesia had introduced its National Plan of Action on Human Rights, consisting of concrete steps to promote and protect human rights over a five-year period, during which it had made significant progress. In 2000, the Constitution had been amended to provide a stronger foundation for the effective implementation of human rights. On 25 August 2004, Indonesia had launched its second Plan of Action for the period 2004-2009, drawn up in cooperation with Indonesia's National Commission on Human Rights, government officials, academics, members of Parliament and civil-society representatives. The second plan consisted of six pillars: establishment of a national mechanism to promote and protect human rights; preparation for ratification of international conventions; dissemination of information and education on human rights; harmonization of national legislation; implementation of standards; and monitoring and evaluation of — and reporting on — human-right activities. The plan of action had already yielded results, as, on 22 September 2004, Indonesia had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

22. The promotion of human rights and the improvement of democracy went hand in hand. Indonesia had held three elections in 2004, one of which had been the first presidential election, in which almost 120 million people had cast their vote.

23. His delegation believed that extreme poverty was the worst human rights violation and therefore called on all States to work towards its eradication. Human

rights and human development shared a common purpose: they promoted dignity, equality and well-being for all, hence the right to development. Indonesia therefore looked forward to the General Assembly's review of the implementation of the Millennium Development Goals in 2005.

24. Indonesia believed that international cooperation was essential to promoting human rights and called on Member States to avoid double standards and begin by better protecting human rights at home. Such action would ensure that discussions in the Commission on Human Rights and the General Assembly would be more productive in the future.

25. **Ms. Rasheed** (Observer for Palestine) said that the promotion and protection of human rights were essential to peace, prosperity and justice in any society. It was therefore distressing to have to address the Committee year after year regarding the plight of the Palestinian population, whose rights continued to be denied. Her delegation welcomed the unwavering commitment shown by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 in revealing the deplorable situation of the Palestinian people under Israeli occupation.

26. The occupation had been transformed into a brutal form of colonization, denying the Palestinian people their fundamental rights. She also referred to the plight of Palestinian refugees, who had endured great injustices for over 50 years.

27. Throughout the period covered by the report, Israel had continued relentlessly to commit human rights violations, war crimes and State terrorism against the Palestinian people. Over 3,440 Palestinians, including women and children, had been killed since September 2000 and more than 50,000 had been injured, thousands of whom had been permanently disabled. The occupying Power had continued to detain thousands of people, subjecting them to severe harassment, abuse and even torture. Today, more than 6,000 Palestinians (including many women and children) were being held in Israeli detention centres in deplorable conditions. Checkpoints, closures and curfews had had a major impact on the Palestinian economy. Such policies had prevented hundreds of thousands of Palestinians from going about their daily business for prolonged periods, while the restrictions imposed on freedom of movement were a source of constant humiliation and suffering.

28. The occupying Power had also continued with the widespread destruction throughout the Occupied Palestinian Territory, including East Jerusalem, of homes and infrastructure, including water and electricity networks, particularly in the Rafah refugee camp. The destruction of property in connection with the building of the wall had been extensive, leaving thousands of Palestinians dispossessed. In its Advisory Opinion of 9 July 2004, the International Court of Justice had ruled that the wall was illegal, violated humanitarian and human rights law, and undermined the Palestinian people's right to self-determination. The building of the wall must be seen in the context of Israel's 37-year-old illegal settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem; there were now close to 400,000 illegal settlers in the Occupied Palestinian Territory.

29. Furthermore, over the past four years in particular, armed illegal settlers had caused the destruction of Palestinian land and homes, as well as many deaths and injuries among the Palestinian population. It was clear that such settlers were permitted by the occupying Power to act with impunity and total disregard for the human rights of the Palestinian people.

30. The only way to ensure that the Palestinian people would be granted their fundamental rights was to bring an end to the occupation and establish a Palestinian State with East Jerusalem as its capital. Her delegation urged the international community to adopt a stronger stance on Israel's illegal policies against the Palestinian people. There could be no neutrality in the struggle against oppression, injustice, occupation and colonialism.

31. **Mrs. Holguín Cuéllar** (Colombia), speaking under agenda item 105 (b), said that she welcomed the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/59/319). A number of positive aspects could be highlighted, including cooperation between Governments and field missions. However, given that the Special Rapporteur considered field missions to be a central element in discharging her mandate and stressed the need systematically to check the reliability of the information acted upon, her Government was

surprised that, even though she had not visited Colombia, she had mentioned it several times in her report.

32. Her delegation emphatically rejected paragraph 40 of the report, which affirmed — without foundation — that paramilitary or self-defence groups were reportedly tolerated or supported by the Government, and that killings continued unabated and without any intervention by government forces. Her Government did not tolerate or support self-defence groups. Since President Uribe had come to power in 2002, losses suffered by such groups during combat with the Colombian armed forces had risen by 230 per cent, captures by 300 per cent and the seizure of weapons and ammunition by 287 per cent and 218 per cent respectively. Killings committed by those groups had fallen by more than 70 per cent as a result of the Government's policy of democratic security aimed at protecting the Colombian people, in particular politicians, union leaders and human rights defenders. Moreover, as a result of the peace process initiated by the Government, the self-defence groups had declared a ceasefire and cessation of hostilities. The number of internally displaced persons had also fallen by over 50 per cent since 2002. Self-defence groups were not the only ones to commit atrocities; other illegal armed groups, benignly called "guerrilla movements" in the report, committed similar acts and were confronted with equal determination by her Government. Since 2002, losses suffered by "guerrilla groups" during combat with the Colombian armed forces had risen by 63 per cent, captures by 223 per cent and the seizure of weapons and ammunition by 97 per cent and 195 per cent respectively.

33. In response to the comments made by the new Special Rapporteur on extrajudicial, summary or arbitrary executions, according to which "guerrilla groups" were not included because the report did not deal with non-State actors, her delegation wished to make it absolutely clear that self-defence groups were not State actors. Both "guerrilla groups" and self-defence groups were violent groups dedicated to drug trafficking, and a source of terror and instability in the country. Impunity and human rights violations could not be dealt with efficiently with false information. The United Nations should therefore look closely at the reality in each country and corroborate information obtained from the media and non-governmental organizations, without forgetting that the central pillars of a stable international system were the principles of sovereignty, sovereign equality and non-intervention.

34. **Mr. Wali** (Nigeria) welcomed the Secretary-General's report on regional arrangements for the promotion and protection of human rights (A/59/323) and commended the Office of the High Commissioner for Human Rights (OHCHR) for its efforts to help the African Union strengthen its human rights system and its subregional representation.

35. Noting that close cooperation had been established between the African Commission on Human and Peoples' Rights and the Office of the High Commissioner, and that subregional centres had been set up, he said that efforts to establish a subregional centre in West Africa should be stepped up, with a view to stabilizing the subregion. Consideration of human rights issues too often over-emphasized political and civil rights, to the detriment of economic, social and cultural rights. Since most of the world's population lived in developing countries, the right to food and the right to development should be given central place.

36. Since the end of military rule in 1999, Nigeria had tried to ensure that the benefits of democracy were reflected in the economic, social and cultural welfare of its people, as well as to strengthen the promotion and protection of human rights, as demonstrated by the adoption of the law implementing the Convention on the Rights of the Child and the enactment of the law against trafficking in women and children. His Government had set up a national commission on human rights, which was an independent body responsible for receiving complaints and seeking redress for those whose basic human rights had been violated.

37. His delegation wished to refute the statement made by the representative of the Netherlands, on behalf of the European Union, to the effect that Nigeria was one of the few countries that retained capital punishment and was also a strong advocate of execution. No public execution had taken place in Nigeria since 1999, and stoning was no longer practised even though Sharia law still prevailed in some regions. The National Assembly had been debating the issue of capital punishment and would be considering a report submitted by a national study group set up in November 2003. Capital punishment was a constitutional issue. Should the National

Assembly decide to adopt a law abolishing the death penalty, the Government would take the necessary action. Lastly, he said that the mandates of the special procedures should be more closely defined, in order to ensure that their reports enjoyed broad acceptance. Moreover, the rapporteurs should not forget that their mandates were the creation of the Commission on Human Rights, to which they were entirely answerable.

38. *Ms. Kusorgbor (Ghana), Vice-Chairman, took the Chair.*

39. **Mr. Daratzikis** (Greece), speaking on agenda item 105 (b), said that his delegation fully aligned itself with the statement made by the Netherlands on behalf of the European Union. His own statement would be entirely concerned with the human rights situation in Cyprus. The Cyprus question should be settled in just and viable manner in accordance with the principles and the established laws and practice of the European Union, and the relevant Security Council resolutions. In order to achieve sustainable reconciliation and reunification, it was essential to restore the human rights and fundamental freedoms of all Cypriots.

40. In the wake of the invasion of the Republic of Cyprus and the subsequent occupation of 37 per cent of its territory by Turkish military forces, violations of human rights and fundamental freedoms had given increasing cause for concern, and included violations of the rights of displaced persons, the human rights situation of enclaved persons in the northern part of Cyprus, and the rights of relatives of missing persons. The European Court of Human Rights had issued important rulings that recognized Turkey's responsibility for a variety of human rights violations relating to the military occupation of Cyprus. Notable in that regard were the judgements of Cyprus v. Turkey (2001) and Loizidou v. Turkey (1996). One third of the Cypriot population aspired to a fair settlement of the problem that would allow them full enjoyment of their property rights and their right of return. Greece was deeply concerned at the human rights situation of enclaved persons in the northern part of Cyprus. Of the 20,000 Greek Cypriots who had chosen to remain in the occupied area following the invasion, less than 500 had managed to do so.

41. Despite the commitments made in the 1975 Vienna III Agreement, Turkey's forces and its administration had, on 3 June 2000, imposed a series of restrictions on the United Nations Peacekeeping Force in Cyprus (UNFICYP), and the violation of the status quo in Strovilia persisted even though the Security Council resolutions — notably resolution 1331 (2000) — had called for the restoration of the military status quo ante. Lastly, the island's cultural heritage had been systematically plundered, including the destruction of 500 Greek Orthodox churches and the smuggling abroad of works of art.

42. Since 1974, more than 110,000 Turkish settlers had been illegally transplanted to the occupied part of the island. Together, the settlers and the 35,000 troops of the Turkish occupation by far outnumbered the Turkish Cypriot population. The policy of colonization implemented in Cyprus, which was clearly designed to alter the island's demographic balance and structure, was contrary to the Treaty concerning the Establishment of the Republic of Cyprus, and constituted a war crime under the Geneva Conventions of 1949.

43. The problem of missing persons remained unresolved, despite the efforts of the Government and the families of those missing. It was to be hoped that the Committee on Missing Persons, which had recently resumed its activities, would achieve a solution.

44. In conclusion, he said that the restoration of human rights and fundamental freedoms was central to the achievement of a lasting, comprehensive and just solution to the Cyprus problem.

45. **Mr. Al-Sulaiti** (Qatar) recalled that fundamental human rights, the dignity and worth of the individual and gender equality lay at the core of the Charter of the United Nations.

46. By strengthening democracy, popular participation and the primacy of law, his Government had given a prominent place to human rights and to the individual in society. Under the Constitution, all citizens were accorded equal rights and responsibilities, and torture was a crime. The Constitution also guaranteed the right of association, freedom of opinion, freedom of scientific research, freedom of the press and freedom of worship, and accorded all citizens the right to education. An advisory council, whose members would be elected without gender discrimination, would soon be set up.

47. Qatar was determined to strengthen fundamental human rights, and had recently set up a national

commission on human rights, which coordinated activities with OHCHR and other intergovernmental and non-governmental organizations.

48. In 2004 Qatar had hosted a regional seminar for Asia and the Pacific on regional cooperation for the strengthening and protection of human rights, and organized a seminar on inter-religious dialogue as the best way to strengthen understanding among all peoples. Qatar was determined to play its part in the promotion, strengthening and dissemination of human rights, and had accepted the offer of OHCHR to set up in Qatar a regional committee on human rights training and documentation.

49. **Mr. Mohd Radzi** (Malaysia), speaking on agenda items 105 (b) and (e), welcomed the attention and level of support that had been pledged to the right to development, but joined with the representative of India in wondering how exactly OHCHR defined that right. To mainstream human rights into development efforts was not the same as to mainstream the right to development into the promotion and protection of all human rights. As the independent expert had noted, the right to development was the right to participate in a particular development process, in which all human rights and fundamental freedoms could be fully realized. However, the realization of those rights and freedoms depended on the availability of resources, as well as on individuals' access to the necessary goods and services. According to the information submitted by the Working Group on the Right to Development, progress had been achieved in that regard.

50. In accordance with General Assembly resolution 58/186, the Special Rapporteur on the right to food had once more drawn the Committee's attention to the continuing destruction and expropriation of Palestinian land and crops in the occupied Palestinian territories caused by the military operations and the construction of the separation wall. The violations of the human rights of Palestinians, especially women and children, must not be ignored by the international community, and the more influential Member States should persuade Israel to bring its actions to an end. Lastly, he said that the activities of some private actors, particularly international corporations, might be construed as support for the violations committed.

51. With respect to torture, he said that his country fully supported the special procedures. However, in order to be credible and respect their mandates, the special rapporteurs and independent experts must be able to carry out their mandates in a fair, objective and non-selective manner.

52. Protecting and promoting human rights and guaranteeing the fundamental rights and freedoms of the individual were cornerstones of Malaysia's governance. Citizens' rights were enshrined in the Constitution and protected by law. In that regard, Malaysia had established a national commission on human rights and an inter-agency coordinating committee in the Ministry of Foreign Affairs. Malaysia was also considering accession to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

53. **Ms. Groux** (Switzerland) welcomed with great interest the launch of the "Action 2" initiative, a pillar of the Secretary-General's reform programme in the area of human rights. Switzerland was actively involved in promoting reforms designed to improve the functioning of mechanisms for the protection and promotion of human rights at the global level and, in that connection, she recalled that the question of human rights still occupied too modest a place within the United Nations, owing in particular to institutional imbalances, which should be corrected. She also attached importance to discussions on the reform of the treaty-monitoring bodies and welcomed with interest the High Commissioner's plan to establish within his Office an early warning service to promote prevention.

54. Her delegation, concerned about the concealed threat to human rights posed by the fight against terrorism, was afraid that a mechanism for listing suspected terrorists would be implemented without accompanying measures for the protection of human rights. Some rights must not be violated: the prohibition of torture was absolute, including in the context of the fight against terrorism. Switzerland, which had signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 25 June 2004, was concerned that certain decision makers, particularly in democratic countries, were publicly considering relaxing that prohibition. It took the view that only strict compliance with international law would make it possible to fight effectively against the scourge of terrorism and that such a fight must be

coupled with an effective fight against poverty and the promotion of democracy and the rule of law.

55. While her delegation welcomed the growing number of private companies committed to responsible policies that respected human rights, it regretted that that commitment continued to evolve in an overly vague and arbitrary manner, and advocated an open and transparent debate with a view to gaining a better understanding of the role of companies in the protection and promotion of human rights. Her delegation had therefore co-sponsored the text on that issue submitted at the previous session of the Commission on Human Rights.

56. She commended the unambiguous comments on the death penalty made by the Secretary-General in his report on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) and, recalling that even the most successful judicial systems were not infallible and that the effectiveness of the death penalty in the fight against terrorism had not been proven, welcomed the fact that, over the past few years, several States had abolished the death penalty or introduced moratoriums on executions.

57. **Ms. Olivera** (Mexico) reaffirmed her country's commitment to the protection of human rights and pointed out that, in the context of its foreign policy, Mexico had opened itself up to cooperation and international monitoring in that area. It had also been visited by 15 special rapporteurs and working groups from the United Nations and the Organization of American States. The 388 recommendations that they had made and which had now been implemented, together with the expert opinion prepared on 8 December 2003 by the Office of the High Commissioner in Mexico within the framework of the technical-cooperation agreement, formed the basis for the National Human Rights Programme, which was due to be introduced in December 2004. That Programme was a perfect example of how cooperation with the international community could facilitate the strengthening of human rights in various countries.

58. While Mexico was convinced that terrorism posed a serious threat to the territorial integrity and security of States, it took the view that the obligation incumbent upon States to protect their citizens from acts of terrorism could not justify the suspension, violation or annulment of the fundamental rights of individuals subject to their jurisdiction. Far from hindering the prevention of terrorism, human rights should be used as a tool to fight against that scourge. For that reason, Mexico had called on the General Assembly and the Commission on Human Rights to adopt resolutions along those lines.

59. Her delegation was concerned about the conclusions of the study conducted by the Office of the High Commissioner, which suggested that the United Nations had been unable to address the issue of counter-terrorism measures from the perspective of international human rights obligations in an exhaustive and comprehensive fashion. In that connection, it welcomed the designation by the Commission on Human Rights of an independent expert to assist the High Commissioner in studying the compatibility of national counter-terrorism measures with international human rights obligations (Commission decision 2004/87) and urged Member States to cooperate fully with the expert.

60. Wishing to see all social groups, including the most vulnerable, exercise their fundamental rights on the basis of equality and without discrimination, Mexico had worked actively to implement initiatives designed to standardize the protection of those rights, particularly in respect of migrants and disabled persons. Accordingly, it was submitting three draft resolutions at the current session of the General Assembly. The first addressed the universalization of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the importance of which she underlined; the second dealt with the promotion of the fundamental rights of all migrants; and the third concerned the need to continue efforts towards the adoption of a comprehensive and integral international convention on protection and promotion of the rights and dignity of persons with disabilities, an indispensable instrument.

61. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

62. **Mr. López Clemente** (Cuba), speaking on agenda item 105 (c), expressed concern that the former colonial Powers were maintaining their conquering and domineering attitude towards the Southern countries while overlooking the flagrant violations of fundamental rights committed within their own territories. He reaffirmed that the protection of sovereignty and the respect for the right of peoples to

self-determination must constitute the cornerstone of action taken and that the diversity of cultures, religions and political, economic and social systems was the greatest source of wealth.

63. He condemned the attitude of the European Union, pointing out that it was common knowledge that acts of racism, racial discrimination and xenophobia were on the increase there, a trend that had become more pronounced since 11 September 2001. Since then, in line with the infamous "clash of civilizations" approach, the prevailing ideology had been to consider any person of foreign descent a potential terrorist or an "at-risk" individual. Furthermore, the growth of trafficking in drugs and human beings in all the European countries had repercussions, and very few European politicians had escaped accusations of corruption, proof that so-called Western democracy was not infallible. In its recent statement, as well as hurling shameful untruths at Cuba, the European Union had reaffirmed at every possible opportunity its commitment to the elimination of torture and other inhuman treatment. The previous two years, however, had suggested the reverse: while the States members of the European Union that had allied themselves with the world's primary super-Power in the illegal invasion of Iraq had not hesitated to urge the Commission on Human Rights to focus on the humanitarian situation in that country, they had opposed the adoption of a draft resolution condemning the arbitrary detentions in Guantánamo and had voted against the adoption of a text in the Economic and Social Council calling for an end to the torture of prisoners on the pretext of the fight against terrorism.

64. His delegation also called into question the position of Canada, which for many years had appealed for humanitarian action and invoked the duty of protection but had failed to follow its own advice in the case of international military operations undertaken without regard for international law in the name of the international fight against terrorism. Faced with images of acts of torture inflicted on prisoners and bombardments that had caused over 100,000 civilian deaths in Iraq, Canada had not lifted a finger to prevent those excesses. And, even worse, like its European friends, Canada had opposed any explicit condemnation by the United Nations of such acts.

65. He condemned the position of delegations that had demonized his country in the Third Committee, behaviour that illustrated the manipulation of international cooperation in the area of human rights and represented an insurmountable barrier to the realization of all human rights, transforming the international debate into an instrument of domination. Recalling that the Northern countries did not have a monopoly on freedom and democracy, he said that, in order to change the global status quo, it was imperative to overturn the prevailing international order, which was unjust, unbalanced and one-sided.

66. **Mr. Zeidan** (Lebanon) said that his country, which comprised a multiplicity of communities, embraced the values of pluralism, freedom, democracy and civil liberties and was firmly committed to respecting human rights, despite the difficulties.

67. Concerning the regional arrangements for the promotion and protection of human rights which were considered in the report of the Secretary-General (A/59/323), he said that Lebanon welcomed the regional strategies of the Office of the United Nations High Commissioner for Human Rights aimed at enhancing its response to the human rights needs of the Arab countries through the Regional Office in Beirut. He referred to the examples of the workshops on the Convention on the Elimination of All Forms of Discrimination against Women and on violence against women, organized in 2004 in Beirut, and referred to the recently adopted Arab Charter on Human Rights and to the official Arabic-language web site on Arab human rights.

68. On the situation of human rights in Palestine, his delegation extended its gratitude to the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 for his courageous exposure of the situation (A/59/256) and reasserted the need for a just and comprehensive solution to the conflict in accordance with General Assembly resolutions, especially a just solution to the refugee problem guaranteeing the right of return of the Palestinian people to their land.

69. Concerning respect for the fundamental rights of women, he said that the authorities of his country were working to promote women's rights and that two women had been appointed to the Lebanese Cabinet in 2004. With respect to torture, Lebanon, which had acceded on 5 October 2000 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, called for the cooperation of

the international community with the Special Rapporteur on the question of torture.

70. On human rights in the context of the fight against terrorism, his delegation recalled the urgent appeals of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning acts committed by States under the guise of the fight against terrorism, including collective punishments, bombings and targeted assassinations in areas populated by civilians.

71. His delegation welcomed the efforts that had been made to explore new forms of migration management in a multilateral perspective. In conclusion, he stressed once again the importance of a human rights-based approach in the drafting of the convention on the rights and dignity of persons with disabilities.

72. **Mr. Butagira** (Uganda) welcomed the launching of the "Action 2" initiative, recalling that for nearly 10 years his country had suffered all forms of violations of human rights committed by successive dictatorial regimes, and the destruction of the political, social and economic infrastructure by the Governments in power at the time. In 1986, when the National Resistance Movement had taken over power, Uganda had embarked on a new era with promotion and protection of human rights as a priority, in particular through the incorporation into national law of the provisions of relevant international conventions. A number of protection systems were in place in Uganda to ensure human rights, including the Uganda Human Rights Commission, the Inspectorate-General of Government, the law courts, the land tribunals, a national parliament and district councils. Freedom of expression was also protected, and the media were independent. Uganda had also mainstreamed human rights into the poverty-eradication action plan, and civil society was also involved in the promotion and protection of human rights.

73. In March 2004 Uganda had submitted its initial report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee. In order to minimize delays in submitting future reports, the Government had embarked on training and capacity-building in human rights reporting for relevant personnel.

74. He then addressed the issue of the rebel group known as the Lord's Resistance Army (LRA), which had been responsible for acts of terrorism against the people of northern Uganda and various atrocities including abduction, maiming, sexual abuse and murder, committed in particular against women and children. The Government had fought a lone battle against the group, calling in vain for dialogue, and had been obliged to have recourse to a "carrot and stick" policy, using both strength and diplomacy. However, the rebel group had spurned peace talks and Uganda had had no alternative but to pursue a military solution, which fortunately was proving successful; the rebels were fleeing the country and the authorities had the support of the Sudan, which was denying them sanctuary. With a view to ensuring a rapid end to the reign of terror imposed by the rebels, the Government was calling upon the international community to do more to support the comprehensive programme drawn up by the Government for post-conflict rehabilitation and development in northern Uganda and appealed to all States to execute any arrest warrants issued by the International Criminal Court for members of the LRA.

75. His delegation was encouraged by the positive developments in the situation in the Great Lakes region and was committed to supporting the peace process in the Democratic Republic of the Congo. Uganda, the Democratic Republic of the Congo and Rwanda had recently signed a Memorandum of Understanding and the Democratic Republic of the Congo and Uganda were cooperating in action to put an end to the continued ethnic tensions in the eastern part of the Democratic Republic of the Congo. Uganda did not condone impunity and favoured efforts towards reconciliation, calling for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to be provided with robust forces. In conclusion, his delegation cautioned against the introduction of resolutions which were designed to point the finger at certain countries, thereby hampering the efforts being made in the Great Lakes region. In general, the use of double standards would inevitably be detrimental to the ongoing efforts to protect and promote human rights.

76. **Mr. Mekdad** (Syrian Arab Republic) said that his country's commitment to human rights was part of a historic, religious and economic context, the terms of which were respected and supported by the Syrian people. His Government endeavoured, on the basis of the Constitution and the law, to safeguard and protect

civil, political, economic and social rights, which were of equal importance and were inseparably linked.

77. His delegation reaffirmed in that connection that the role of the United Nations was all the more essential in view of the deterioration in the current situation, which seriously threatened the purposes and principles of the Charter as well as international legitimacy. Although some people deliberately ignored the question of respect for the collective rights of peoples and nations, such as the right to self-determination, the right to development and the right to independence free from foreign occupation and control, those rights could not be abolished since they were enshrined in the Charter and in international instruments.

78. The reform and rationalization of the work of elected bodies or of entities that addressed the question of human rights within the United Nations did not mean that those bodies might exceed the competence conferred upon them by the resolutions adopted through joint agreement by the Member States. His delegation felt it important that the United Nations should work in a coordinated, constructive and consensual manner in order to avoid any politicization by not adopting a selective approach and imposing concepts on peoples and nations that did not take account of their historical, cultural and social realities.

79. His delegation also wished to emphasize that there should be no interference in the internal affairs of third States, in particular in the relations between the developed and the developing countries. It also considered that, by focusing on the most serious and widespread violations such as occupation and aggression, those States that defended the cause of human rights would gain credibility vis-à-vis other countries.

80. Recalling that many of the reports submitted to the Third Committee addressed the situation of human rights in a number of Arab States and that they referred to the situation of those who defended such rights, he pointed out that, at the recent Arab Summit in Tunis, which had been a milestone in the joint action by the Arab countries in favour of development and modernization, the Arab leaders had insisted on the need seriously to address the fundamental problems of the region and to remedy them equitably so as to strengthen the climate of peace and security and to support the efforts being made by the peoples of the region to overcome the problems bequeathed to them by colonialism, to advance towards democracy and to protect, preserve and strengthen human rights in the Arab world. The Arab leaders had also reaffirmed their determination to lay the foundations of democracy, to extend participation in public life, in public affairs and in decision-making, in a context of the rule of law, to ensure justice and equality among all citizens, to ensure respect for human rights and the right to freedom of expression in compliance with the various international instruments and the Arab Charter on Human Rights, to ensure the independence of justice, to strengthen the role of the various elements of society and to promote the participation of all citizens, both men and women, in public life.

81. Referring to allegations concerning the question of individuals and groups working in the field of human rights, he said that the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms prohibited States from interfering in the internal affairs of third States and from being selective in their dealings with other countries. Moreover, the Declaration not only conferred rights on organizations but also imposed duties on them, obliging them, in particular, to defend the rights of individuals and peoples that had suffered from serious violations of human rights and to refrain from any discriminatory, selective or arbitrary practice or action. In that connection, his delegation reaffirmed that action by organizations must be authorized by domestic legislation, that his country could not recognize interpretations that were inconsistent with that principle, and that it was essential that the action, work and means of financing of such organizations should be clear and transparent.

82. He commended the objectivity of the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/59/256) and hoped that the report would lead to action that would put an end to the Israeli practices that violated international humanitarian law and the elementary rules of humanity.

83. His delegation also shared the view of certain special rapporteurs who, in their reports, had referred to the imprecision surrounding the word "terrorism" and who considered that the continued use of the fight against terrorism to justify human rights violations

would have serious consequences. It was essential to define terrorism in order for international action against terrorism to be successful. The Syrian Arab Republic emphasized once again that distinction must be made between terrorism, which was a heinous crime, and the right to resist foreign occupation, which was enshrined in the Charter. He concluded by saying that the harmonization of the views of the various States and the strengthening of international cooperation required responsible, objective, impartial, non-selective and transparent dialogue based on mutual respect for national sovereignty and for the territorial integrity of States.

84. **Ms. Aghajanian** (Armenia), speaking on agenda item 105 (b), said the promotion and protection of human rights were indispensable prerequisites for development, peace and stability. By developing standards and setting up mechanisms for their implementation, the international community had established a strong international legal regime, although many challenges remained.

85. In spite of five decades of efforts, the world was still witness to the crime of genocide. Armenians, who had themselves experienced the horrors of genocide at the beginning of the twentieth century, welcomed the appointment of a Special Adviser to the Secretary-General on the Prevention of Genocide, for whom she expressed full support. She hoped an effective early-warning mechanism could be developed to prevent any recurrence of such tragedies.

86. Turning to the issue of terrorism, which nothing could justify and which must be unequivocally condemned, she said that the vicious cycle of hatred and violence must be broken, but care must be taken to ensure that the fight against terrorism did not undermine the rule of law and respect for fundamental freedoms. She therefore welcomed the appointment of an independent expert on the protection of human rights and fundamental freedoms while countering terrorism.

87. Her delegation also welcomed implementation of Action 2 of the Secretary-General's reform programme aimed at strengthening national human rights protection systems.

88. Since independence, her Government had undertaken extensive reforms to build a democratic society and promote respect for human rights. Armenia had joined the Council of Europe in 2001, thus ensuring the irreversibility of the process of transformation and her Government was working closely with the special monitoring group established to follow up on implementation of the obligations that membership in the Council implied. In that context, she noted that in September 2003 her Government had ratified Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty; in December 2003 it had adopted the Law on alternative military service, which had entered into force in July 2004; in February 2004, the first Ombudsman, a woman, had been appointed. In October 2004, the religious group "Jehovah's Witnesses" had been registered by the Ministry of Justice and the administration was working to improve electoral codes as well as the laws on the mass media and local self-governance.

89. Turning to the report of the Secretary-General on human rights and unilateral coercive measures (A/59/436), she expressed concern that information not pertinent to the subject of the report and provided by Azerbaijan (paras. 1-3), which was factually incorrect, had been included. She wondered how an intra-State conflict could be presented as a unilateral coercive measure. She recalled that the only armed forces in the region in 1988, before the dissolution of the Union of Soviet Socialist Republics (USSR), had been those of the Soviet Union, which protected the borders of the country; the only time they had been used in an internal matter had been in 1990 when they had intervened to save the Armenian population in Baku from a systematic massacre being carried out by the Azerbaijani leadership. Furthermore, in 1988 there had been no armed conflict in Nagorny Karabakh; a legal process had been initiated by the authorities and the population of the Nagorny Karabakh Autonomous Region to seek redress for the injustice done to them 60 years earlier by the existing Soviet legislation and Constitution. That process, undertaken in both chambers of the Supreme Soviet of the USSR, had been accompanied by peaceful demonstrations in the region. She stressed that the number of refugees and displaced persons continued to grow in spite of the figure of 1 million provided by the United Nations High Commissioner for Refugees in his report. Azerbaijan failed to recognize that the sad situation referred to in the report was the result of its own aggression against the people of Nagorny Karabakh in their legitimate and peaceful quest for self-

determination. As a result of that conflict, a continuous blockade had been imposed on Armenia. Rewriting history had become the trademark of Azerbaijan; her delegation therefore expressed its deep disappointment that such inaccuracies could find their way into the report of the Secretary-General.

90. **Mr. Pato** (Togo) said that his Government, in the belief that the protection and promotion of human rights must go beyond rhetoric and narrow political gain, had been the first African Government to establish a national human rights commission. All citizens, without distinction, enjoyed the right to life, liberty and education, the right to strike, and many other rights. The freedom enjoyed by all was reflected in the existence of numerous political parties and religious and cultural associations.

91. In order to combat ignorance, which hindered the promotion of and respect for human rights, it was important to prioritize training for and awareness-raising among the population. Accordingly, his Government had launched a wide-ranging awareness and training programme for the security services and personnel in the judicial system and had added a human rights component to the secondary school curriculum. It had also implemented a new, very liberal, press code.

92. The Family Code enshrined and strengthened the rights of women and children. As a result of the priority given to education for girls, 97 per cent of girls attended school. In partnership with Amnesty International, a campaign to increase awareness of the issue of violence against women had also been launched.

93. With a view to improving the situation in the country's overcrowded prisons, his Government had freed 500 common criminals. In addition, a national committee made up of representatives of the Ministry for the Promotion of Democracy and the Rule of Law, judges, police and non-governmental organizations had developed recommendations aimed at improving the rights of citizens who deal with the justice system (observance of limits on temporary detention of suspects, access to a lawyer, respect for the principle of presumption of innocence).

94. His Government welcomed acknowledgement of the principle that all rights — civil, political, economic and social — were interdependent. It also believed that the international community must seriously address the issue of sanctions imposed unilaterally, often in an arbitrary and unfair way, on certain countries, including Togo, citing a lack of democracy, because such sanctions made the life of the population even more difficult.

95. **Ms. Naz** (Bangladesh), speaking on agenda 105 (b), recalled that the Vienna Declaration and Programme of Action had reaffirmed that all human rights were universal, indivisible, interdependent and interrelated and had recognized the intrinsic link between development and human rights. She stressed that respect for those rights was deeply rooted in the history, society and conscience of Bangladesh. The Constitution embodied the principles and provisions of the Universal Declaration of Human Rights and prohibited all discrimination based on race, religion, caste, gender or place of birth. In addition, special laws ensured the rights of women, children, minorities and other vulnerable groups, and Bangladesh was a party to the core international human rights treaties.

96. Her Government attached great importance to women's issues and was trying to empower them through the use of microcredit and non-formal education, an approach which encouraged values-based rather than violent societal behaviour patterns.

97. In recognition of the role played by national institutions, her Government had created a National Human Rights Commission responsible for ensuring good governance as well as transparency and accountability in society. It had also established the Office of the Ombudsman as well as an independent anti-corruption commission, and had separated the judiciary from the executive branch and strengthened the rule of law in general. Although much remained to be done, Bangladesh took pride in its democratic and pluralistic institutions, culture of tolerance and commitment to freedom and justice.

98. Always willing to cooperate with United Nations human rights mechanisms, her Government had received the visit of three Special Rapporteurs and remained open to all constructive suggestions. At its sixtieth session, in 2004, the Commission on Human Rights had established certain new thematic mandates, in particular regarding trafficking in persons. Her delegation welcomed the appointment of a Bangladeshi as Special Rapporteur on trafficking in persons, especially women and children.

99. In conclusion, she said that a comprehensive strategy to establish global security must be based on respect for human rights and reinforced by upholding the primacy of the rule of law, fostering social justice and enhancing democracy and international cooperation.

100. **Ms. García-Matos** (Venezuela) reaffirmed her Government's commitment to the effective enjoyment of all human rights without distinction and said that the Constitution was one of the most modern in the world in the matter of human rights. The promotion of human rights, the core of public administration, was proclaimed in article 2 of the 1999 Constitution, which enshrined the highest values of the Venezuelan legal system: justice, equality, solidarity, democracy, social responsibility and the pre-eminence of human rights.

101. In the area of civil and political rights, the guiding principle adopted by the State was to abjure irrevocably any recourse to repression. That policy had enabled the excluded majority (65 per cent of the population) to regain their dignity and citizenship.

102. In the area of justice, the Venezuelan judicial system had undergone profound changes. Whereas at the beginning of 1998 some 95 per cent of judges were serving on a provisional basis, at the present time, through the system of competitive examination instituted in 1999, half the judges in the country held permanent appointments. Legal aid, guaranteed by the Constitution, was available to all, and the modernization of the judicial system was moving rapidly forward with the establishment of the new school for the magistracy and the implementation of "Juris 2000", a new system of administration of justice financed by the World Bank. Recently the State had taken the unprecedented ethical and socially responsible step of paying compensation in a total amount of 2 billion bolívares in compliance with the decision handed down by the Inter-American Court of Human Rights for human rights violations attributable to previous Governments.

103. With regard to the status of women, the Constitution guaranteed the equality of the sexes and established the same rights and obligations for men and women in all areas of family, occupational, political, social and community life. Venezuela had ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. It had passed legislation on equal opportunities for women and on violence against women, including domestic violence, and had established the National Institute for Women (INAMUJER).

104. In an effort to overcome social exclusion, the Government had embodied the principles of the Constitution in a set of social programmes, called "Missions", aimed at gradually reducing poverty in Venezuela and improving the quality of life of its citizens. Among them were the Mission Barrio Adentro (the start of a new national health system, which had already saved more than 18,000 lives), Mission Robinson (literacy and primary education), Mission Ribas (completion of secondary education), Mission Sucre (access to higher education), Plan Simoncito (early childhood education) and Mission Mercal (reduced-price foodstuffs for the poorest segments of the population and free meals for the indigent, which had benefited 8 million people). Moreover, the network of shelters set up throughout the country had provided lodging, meals, hygiene facilities, recreation, education services, health care and cultural activities for 200,000 persons in extremely difficult social situations.

Rights of reply

105. **Ms. Maw** (Myanmar), speaking in exercise of the right of reply to the statements made concerning her country by representatives of New Zealand, Australia and Canada, which were the result of a concerted campaign by certain countries, abetted by former insurgents and expatriates with their own political agendas, said that her Government exerted its best efforts to protect human rights. That was evidenced by the presence of a delegation of the International Committee of the Red Cross in Myanmar (with offices in various parts of the country), the establishment of the National Human Rights Committee in 2000, which organized seminars involving the participation of international experts, and the opening of an International Labour Organization liaison office, which had launched a human rights education programme in the secondary schools. Moreover, the Government had succeeded in reducing cultivation of opium poppy, with a resultant drop in the production of opium and heroin, a fact confirmed by the United Nations International Drug Control Programme. It had organized campaigns to help individuals suffering from HIV/AIDS or malaria to readapt and improve their quality of life. In

2003, it had established an agency responsible for promoting the rights of the child. From 1996 to 2001 the Government had put into effect a health plan to immunize the entire population. And it had instituted an "Education for All" national action plan.

106. With regard to child soldiers, the allegations against Myanmar were based on information supplied by a journalist working for a non-governmental organization. The laws of Myanmar did not permit recruitment of young people less than 18 years of age. The Government had established a high-level committee to prevent the recruitment of child soldiers; the committee had received a visit from a UNICEF representative and had recently adopted a plan of action. Among other things, the plan provided for close cooperation with UNICEF and the United Nations Resident Coordinator.

107. With regard to forced labour, Myanmar had already changed its legislation and had adopted administrative measures to monitor compliance with the laws against forced labour. It had drafted and signed an action plan in that regard in conjunction with the International Labour Organization.

108. Her delegation deplored the tendency of certain countries to use human rights issues to promote their own political interests.

109. **Mr. Uras** (Turkey) said that he was not surprised by the statement of the Greek Cypriot speaker or that of the representative of Greece but felt obliged to respond to the accusations and distortions contained in the latter's statement, which, moreover, did not take into account recent developments and the realities of the situation on the island. First of all, the Cyprus problem had not started with the Turkish military intervention in 1974 but had been prompted when the partnership government had been destroyed by the Greek Cypriots in 1963, which was the reason why the United Nations Peacekeeping Force in Cyprus (UNFICYP) had been deployed in 1964. Between 1963 and 1974, Turkish Cypriots had been forced to live in enclaves. Although the United Nations archives were full of the human rights violations the Turkish Cypriots had suffered, their sufferings for 11 years at the hands of their former partners seemed to have been forgotten. When a right-wing coup had taken place in July 1974 at the instigation of Greece, Turkey had had no choice but to intervene to save the Turkish Cypriots from total annihilation and prevent the annexation of the island by Greece. Turkey had acted as a guarantor Power within its contractual obligations and responsibilities under the 1960 agreements. In fact, human rights violations against the Turkish Cypriots were still continuing.

110. Turkey felt that the time had come to solve the Cyprus problem. Hence Turkey had supported the Secretary-General's plan, and 65 per cent of Turkish Cypriots had voted for it, whereas 75 per cent of Greek Cypriots had voted against it. As the Secretary-General had said through his Special Adviser on Cyprus, the efforts made over the past four and a half years had been to bring about reunification so as to enable a reunited Cyprus to join the European Union. He had applauded the Turkish Cypriots, who had approved the plan, which he felt represented a fair, viable and carefully balanced compromise, one that conformed to the Security Council's vision for a settlement that met the minimum requirements of all concerned. The Secretary-General had also made his views clear in his report on his mission of good offices in Cyprus (S/2004/437), particularly in paragraph 93.

111. **Mr. Israeli** (Israel) said that he deplored the lack of objectivity in the interim report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/59/256). That lack of objectivity brought discredit to the Commission on Human Rights, insulted Israeli victims of terrorism and did disservice to the Palestinian cause. By ignoring the corruption and the mismanagement, the incitement to violence and the collusion with terrorism, the Special Rapporteur was merely perpetuating the human rights violations, the persecution of minorities and the theft of billions of dollars that had been donated for the benefit of the most needy Palestinians.

112. The Israeli Government remained committed to the solution of two States living side-by-side in peace and security, which was the key to a settlement of the Middle East question. His Government also remained committed to the road map as the only means to achieve that solution. Israel must, however, protect its citizens and combat terrorism, especially suicide attacks, a form of terrorism that should long ago have been defined by the Committee as a crime against humanity and a war crime, and condemned accordingly. Israel had taken the initiative to withdraw from Gaza and evacuate Israeli settlements in the Gaza Strip and the West Bank. It was to be hoped that the

Palestinians would seize the opportunity to end the wave of violence and re-engage in dialogue.

113. **Mr. Iskandarov** (Azerbaijan) said that Armenia was trying to hoodwink the Committee by presenting the violent separatist movement in the Azerbaijani region of Nagorny Karabakh as a minority trying to assert its right to self-determination. In answer to the question posed by the representative of Armenia regarding the nature of the legal basis asserted by Azerbaijan, he said that the conflict could be regarded as having begun on 20 February 1988, when the regional Soviet of the Nagorny Karabakh Autonomous Region had adopted a decision to petition the Supreme Soviets of the Azerbaijan SSR and the Armenian SSR for the transfer of the Nagorny Karabakh Autonomous Region from the Azerbaijan SSR to the Armenian SSR. The procedure for changing the borders of Union Republics was stipulated in the Constitutions of the USSR and the Union Republics. Thus, under article 78 of the Constitution of the USSR, the territory of a Union Republic could not be changed without its consent. The Supreme Soviet of the Azerbaijan SSR had declared the transfer of the Nagorny Karabakh Autonomous Region to be unacceptable and impossible, based on the Constitutions of the Azerbaijan SSR and the USSR. The Autonomous Region had subsequently adopted a unilateral decision concerning its transfer to Armenia, and the Armenian Parliament had decided to incorporate Nagorny Karabakh within its borders. Before Azerbaijan and Armenia had become independent States, and before the conflict in Nagorny Karabakh had been taken into consideration by international organizations, the USSR had acted as mediator and, on several occasions, the Supreme Soviet, the Soviet Union's highest legislative body, had adopted a number of decisions, including its resolutions of 10 January and 3 March 1990, by which it had confirmed the sovereign status and territorial integrity of Azerbaijan and declared the decision taken by the Armenian Parliament and the local parliament of Nagorny Karabakh to be unconstitutional. Moreover, according to international law, the right of peoples to self-determination must be achieved peacefully. Furthermore, in accordance with the principle of territorial integrity, the right to self-determination did not imply the unilateral right of secession and must not lead to the disintegration of sovereign and independent States. Lastly, it was obvious that an ethnic group or nation could exercise its right to self-determination only once, and Armenia had done so within its own borders.

114. **Ms. Erotokritou** (Cyprus) said that Turkey had once again employed its usual rhetoric in an attempt to mask his country's own responsibility. The continued division of the island, with all its traumatic consequences, was due to Turkey's continued violation of international law through its forcible occupation of a large part of a sovereign and independent country. The decisions taken by international organs, including the Security Council and the European Union, spoke for themselves.

115. **Mr. Daratzikis** (Greece) said that Turkey had once more repeated its allegations against Greece in an effort to detract attention from its own heavy responsibility for the situation in Cyprus. For its part, Greece had limited its own statement to a brief, precise outline of the human rights situation on the island, as confirmed by the international community, in the form of Security Council and General Assembly resolutions, the conclusion of the Commission on Human Rights, and the judgements of various international judicial bodies.

116. **Ms. Rasheed** (Observer for Palestine) said that Israel should think carefully before referring to the road map as the ideal solution, since it had formulated 14 reservations to that document during its preparation, and continued to establish illegal settlements, confiscate Palestinian land, kill innocent civilians, destroy Palestinian property, and cause enormous suffering among the Palestinian population.

117. With respect to Israel's disengagement from the Gaza Strip, she cited an interview given by an adviser to the Israeli Prime Minister to the prominent Israeli newspaper *Ha'aretz*, in which he had referred to a freezing of the political process that would prevent the establishment of a Palestinian State, as well as any discussion on the refugees, the borders and Jerusalem, and had stated that the establishment of a Palestinian State had been removed indefinitely from his country's agenda. With regard to the suicide bombings, which had led to the loss of so many Israeli and Palestinian lives over the past four years, it should be recalled that the first such attack had not occurred until 27 years after the beginning of the occupation. All events should be placed in their context, and a solution to the problem required an understanding of the underlying causes of the acts committed. The answer was for

Israel to end its brutal occupation of Palestine and respect the rule of law and international humanitarian law. Recalling the recommendations of Israel's Supreme Court to the effect that there could be no security without law, she said that if Israel was not prepared to acknowledge that the Palestinians had the right to security, there would continue to be deaths on both sides.

118. **Ms. Davtyan** (Armenia) thanked the representative of Azerbaijan for his sincere attempt to present his Government's position concerning the legal bases for the conflict in Nagorny Karabakh. However, her delegation had asked how it was possible to concoct a legal basis in an effort to present an internal conflict as a unilateral coercive action.

The meeting rose at 12.50 p.m.